

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Petition of Alenco Communications,)	CC Docket No. 96-45
Inc., <i>et al.</i> for a Declaratory Ruling and)	
For Preemption of an Order by the)	
Public Utility Commission of Texas)	

ORDER

Adopted: May 24, 2007

Released: May 24, 2007

Revised Filing Dates:

Comments Due: June 22, 2007

Reply Comments Due: July 9, 2007

By the Deputy Chief, Wireline Competition Bureau:

1. On March 5, 2007, Alenco Communications, Inc. (Alenco), *et al.*, filed a petition seeking a declaratory ruling that customer equipment used in connection with fixed or mobile satellite service is not within the definition of “facilities” as used in section 214(e) of the Communications Act of 1934, as amended.¹ On April 25, 2007, the Wireline Competition Bureau released a Public Notice requesting that comments on the Alenco Petition be filed by May 25, 2007 and reply comments by June 11, 2007.² On May 16, 2007, DialToneServices, L.P. (DTS) filed a letter seeking to extend the comment and reply comment deadlines by six weeks.³ DTS states that the extension would enable parties and the Commission to develop a more complete record of the important issues raised in the petition.⁴ On May 18, 2007, Alenco, the Texas Telephone Association, the Texas Statewide Telephone Cooperative, Inc., and others (collectively Petitioners) filed a letter responding to DTS’ request, and arguing that a six-week extension was unwarranted.⁵ Instead, the Petitioners suggest extending the comment and reply comment deadlines by two weeks.⁶

¹ Petition of Alenco Communications, Inc., Big Bend Telephone Company, Dell Telephone Cooperative, Inc., Riviera Telephone Company, Valley Telephone Cooperative, Inc., Texas Statewide Cooperative, Inc., and Texas Telephone Association for Declaratory Ruling and for Preemption, CC Docket No. 96-45 (filed Mar. 5, 2007) (Alenco Petition).

² *Comment Invited on the Petition of Alenco Communications, Inc., et al., for a Declaratory Ruling and for Preemption of an Order by the Public Utility Commission of Texas*, CC Docket No. 96-45, Public Notice, DA 07-1848 (Wireline Comp. Bur., rel. Apr. 25, 2007).

³ Letter from David L. Sieradzki, Counsel to DialToneServices, L.P., to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 96-45 (filed May 16, 2007).

⁴ *Id.*

⁵ Letter from Benjamin H. Dickens, Jr. and Mary J. Sisak, Counsel for Petitioners, to Marlene Dortch, Secretary, Federal Communications Commission, CC Docket No. 96-45 (filed May 18, 2007).

⁶ *Id.* at 1.

2. We agree that providing additional time to file comments and reply comments will facilitate the development of a more substantive and complete record in this proceeding. We note that it is the policy of the Commission that extensions of time shall not be routinely granted.⁷ Given the fact that the comment cycles for two other closely-related proceedings involving universal service support are approximately the same time as the existing Alenco Petition comment cycle, we find that good cause exists to provide parties an extension of time.⁸ We find that a four-week extension of the comment and reply comment deadlines in the Alenco Petition proceeding is appropriate under the circumstances. The deadline for filing comments on the Alenco Petition is extended from May 25, 2007 to June 22, 2007, and the deadline for filing reply comments is extended from June 11, 2007 to July 9, 2007.

3. ACCORDINGLY, IT IS ORDERED that, pursuant to sections 4(i), 4(j), and 5(c) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), 155(c), and sections 0.91, 0.291, and 1.46 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, 1.46, the pleading cycle established in this matter shall be modified as follows:

Comments Due: June 22, 2007

Reply Comments Due: July 9, 2007

FEDERAL COMMUNICATIONS COMMISSION

Renée R. Crittendon
Deputy Chief
Wireline Competition Bureau

⁷ 47 C.F.R. § 1.46(a).

⁸ See *High-Cost Universal Service Support Federal-State Joint Board on Universal Service*, WC Docket No. 05-337, CC Docket No. 96-45, Notice of Proposed Rulemaking, FCC 07-88 (rel. May 14, 2007); *Federal-State Joint Board on Universal Service Seeks Comment on Long Term, Comprehensive High-Cost Universal Service Reform*, WC Docket No. 05-337, CC Docket No. 96-45, Public Notice, FCC 07J-2 (Fed.-State Jt. Bd., rel. May 1, 2007).